

Analysis by the Bureau of Chemistry of this department of a sample of the product showed that it consisted essentially of boric acid, alum and zinc salts, with small amounts of methyl salicylate, phenol, and menthol.

It was alleged in the libel that the article was misbranded in that the afore-said statements regarding the curative and therapeutic effects of the said article, borne on the labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 6, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14861. Adulteration of canned peas. U. S. v. 275 Cases of Canned Peas. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 20593. I. S. No. 1261-x. S. No. C-4858.)

On November 10, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 275 cases of canned peas, remaining in the original unbroken packages at Bloomington, Ill., consigned September 9, 1924, alleging that the article had been shipped by the Barron County Canning & Pickle Co., Chetek, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that a substance, to wit, brine, had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength and that brine had been substituted in part for the said article, in violation of paragraphs 1 and 2 under food, in section 7 of the act.

On December 20, 1926, Campbell, Holton & Co., Bloomington, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

14862. Adulteration and misbranding of tomato paste. U. S. v. 28 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20973-a. I. S. No. 4023-x. S. No. C-5056.)

On or about June 5, 1926, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of tomato paste at St. Martinsville, La., alleging that the article had been shipped by the Fettig Canning Co., in part from East St. Louis, Ill., on or about February 26, 1926, and in part from St. Louis, Mo., on March 8, 1926, and transported from the respective States of Illinois and Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged for the further reason that a substance, to wit, an insufficiently concentrated tomato product, had been substituted wholly or in part for tomato paste.

Misbranding was alleged for the reason that the statements "Tomato Paste Net Weight Of Contents 5 Ounces," borne on the can label, were false and misleading and deceived and misled purchasers thereof, in that the said cans contained less than 5 ounces of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 3, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*